

CITY OF ALAMEDA PLANNING BOARD DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLN12-0181 - DESIGN REVIEW AND PARKING WAIVER AT 1518 WEBSTER STREET

WHEREAS, an application was made on May 24, 2012, by John Carnahan, requesting to construct an accessory structure in the rear yard on this site; and

WHEREAS, the application was accepted as complete on August 16, 2012; and

WHEREAS, the project site is located within a C-C, Community Commercial District; and

WHEREAS, Planning Board held a public hearing on this application on September 24, 2012 ; and

WHEREAS, the Planning Board has made the following findings concerning the Design Review:

1. The proposed design, as conditioned is consistent with the General Plan, Zoning Ordinance, the City of Alameda Design Review Manual, and the Webster Street Design Manual in that the design as conditioned is compatible with the proportion, massing rhythm and materials of the district's thematic buildings, and as conditioned, it will incorporate important compositional elements in a simplified form.
2. The proposed design, as conditioned is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses, in that the accessory structure is an appropriate scale for the size of the subject property, as well as the surrounding properties.
3. The proposed design of the structure and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development in that the design of the accessory structure , as conditioned is compatible with the historic neighborhood design.

WHEREAS, the Planning Board has made the following finding concerning the Parking Waiver:

1. The removal of one off-street parking space on this property will be offset by the owner of the property providing one additional parking voucher to the nearby

parking lot for use by employees of the commercial property as long as there is an operating business on the property.

BE IT RESOLVED THAT, the project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15311 Class 11: Construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves the Design Review and Parking Waiver , PLN12-0181 for construction of an accessory structure, subject to compliance with the following conditions:

- (1) This Design Review and Parking Waiver approval for an accessory structure shall terminate two (2) years from the effective date of its granting unless actual construction has begun under valid permits prior to September 24, 2014.
- (2) The Building Permit plans shall include:
 - a. A copy of this resolution printed on the plans,
 - b. A re-stripping plan for rear area to show two parking spaces.
 - c. Revised siding and roofing materials to complement the adjacent buildings. T-11 Siding shall not be permitted.
- (3) The owner of the property shall provide one (1) parking voucher for the nearby public parking lot as long as there is a business operating at 1518 Webster.
- (4) HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions

constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.